REMARKS

Claims 8-11, 13, 14, 20, and 29-37 are currently pending. Claims 8, 9, 11, and 13 have been amended for clarification. Claims 20, 29, 31, and 35 have been amended with subject matter from page 4, line 19, through page 6, line 32, of the application as filed. It is noted that on page 4, lines 20-26, of the application, Applicant discloses that the computer program instructions control the application menu structure used by the telephone 10, the processor is operable under the control of the computer program instructions, and that the processor provides a camera control application, an image viewing application, and a database application. On page 5, lines 18-19, of the application, it is stated that "The camera control application provides a user interface that enables the user to capture an image via the digital camera 12." The user-selectable options, as discussed on page 5, lines 23-27, of Applicant's application, presented by the camera control application include 'new image,' 'add to phonebook,' etc. A menu presentation of these options is shown in Figure 3A. Options in the form of a menu are shown in Figure 3B and the presentation of these options via the camera control application is discussed on page 6, lines 20-23, of Applicant's application. Thus, there is clear support for the claim recitations of a "camera menu," "a phonebook menu," and "the camera control software application provides for taking a picture and then assigning the picture from the camera menu instead of from a phonebook menu," as well as other newly recited claim language. It is respectfully submitted that no new matter has been added.

Telephone Interview dated January 23 2009

A telephone interview was conducted between U.S.P.T.O. patent examiner Mark Radtke and Applicant's representative Walter Malinowski on January 23 2009. Prior to the telephone interview, Applicant's representative had sent a telephone interview agenda in which the following claim 20 formed the basis of January 23 2009's discussion:

> A computer readable medium encoded with a computer program comprising: program instructions for controlling an electronic device, the electronic device having a digital camera and a user input device, which program instructions when loaded into a processor, provide: a database software application; a camera control software application that is separate from the database software application; and an image viewing

software application that is separate from the camera control software application and the database software application, wherein the database software application provides a user interface that enables a user to access personal data organized as a plurality of contacts entries in a database, where each contacts entry is associated with a different person and has one or more alphanumeric text fields and an image field and wherein the camera control software application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu, the camera control software application providing provides a user interface that enables the user to control the electronic device using the user input device for displaying the camera menu to capture an image via the digital camera and immediately and automatically presenting presents a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu and using the captured image as an image field of a contacts entry of the database, and presenting a user selectable option to access the captured image through the image viewing software application.

The patent examiner mentioned that the claim seemed to represent progress. He advised to provide more interrelating of the camera menu to the camera control software application and the phonebook menu to the database software application. He also advised ensuring compliance of the claims with respect to In re Bilski. Furthermore, he suggested expansion of the arguments as to the unobviousness of "immediately" and as to the lack of disclosure in Issue 4EN of **"taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."** Applicant's representative has modified the amended claim set and the arguments in the telephone interview agenda in accordance with the patent examiner's recommendations.

Claim Objections

The Patent Office objected to claims 8-11 and 13 because they recite an apparatus and depend from method claim 30. Applicant has changed the dependency of claims 8, 9, 11, and 13 to depend from apparatus claim 31. It is respectfully submitted that no new matter has been added and respectfully requested that the Patent Office remove its objection to these claims.

Rejection of Claims 8-11, 13, 14, 20, and 29-37 by Nokia Issue EN

The Patent Office rejected claims 8-11, 13, 14, 20, and 29-37 under 35 U.S.C. 103(a) as being unpatentable over Nokia 7650 User's Guide, Issue 4EN.

Claims 20, 29, 31, and 35 are independent claims. Claim 20, as representative of the independent claims, recites as follows:

> A computer readable medium encoded with a computer program comprising: program instructions for controlling an electronic device, the electronic device having a digital camera and a user input device, which program instructions when loaded into a processor, provide: a database software application; a camera control software application that is separate from the database software application; and an image viewing software application that is separate from the camera control software application and the database software application, wherein the database software application provides a user interface that enables a user to access personal data organized as a plurality of contacts entries in a database, where each contacts entry is associated with a different person and has one or more alphanumeric text fields and an image field and wherein the camera control software application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu, the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for displaying the camera menu to capture an image via the digital camera and immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu and using the captured image as an image field of a contacts entry of the database, and presenting a user selectable option to access the captured image through the image viewing software application.

Page 50 of Issue 4EN discloses that "pictures are automatically saved in the Images application, where you can rename them and organise them in folders." The left margin of page 50 shows that options available before taking a picture are capture, go to images, settings, and exit. Page 51 discloses "the photos are saved automatically in the Images application." The right margin of page 51 shows that options after a picture has been taken are new image, send, rename image, go to images, settings, and exit. Page 53 of Issue 4EN discloses "images allows you to view, organise, delete, and send photos and pictures stored in your phone." Issue 4EN does not

disclose or suggest "taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."

The Patent Office asserted on page 4, lines 7-17, as follows:

> wherein the camera control software application provides a user interface that enables the user to control the electronic device using the user input device to capture an image via the digital camera (see page 50, "Camera") and automatically presents a user selectable option, on capturing an image, for entering the database software application and using the captured image as an image field of a contacts entry of the database (see page 51, "Portrait [...] can be added to a contact card" and see pages 43-44, "Inserting a picture to a contact card"), and a user selectable option to access the captured image through the image viewing software application (see page 44, "Options when viewing a contact card")

As to page 51, Issue 4EN discloses camera modes including "portrait when you want to take a smaller icon-sized, vertical picture, which can be added to a contact card." This relied upon disclosure from Issue 4EN fails to teach or suggest the camera control software application "automatically presents a user selectable option, on capturing an image, for entering the database software application and using the captured image as an image field of a contacts entry of the database." As noted above, and as applied here with respect to page 51, Issue 4EN does not disclose or suggest "taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."

First, the Patent Office has recognized the deficiency of Issue 4EN in not explicitly teaching "immediately" presenting an option to use the captured image as an image field of a contacts entry of the database.

Applicant has disclosed immediately presenting a user-selectable option in the following two passages.

Column 5, lines 23-27, of Applicant's application discloses as follows:

> After selecting `Capture` and capturing an image, the image is by default automatically stored in the image memory 28 for access using the image viewing application (Gallery). The camera control application immediately presents the following user-selectable options on capturing

an image: `new image`, `add to phonebook`, `delete`, `send`, `rename image`, `go to gallery`, `settings`, `help` and `exit`.

Column 6, lines 6-10, of Applicant's application discloses as follows:

> The camera control application therefore immediately presents a plurality of user selectable options, on capturing an image, including an option for using the captured image as an image field of an entry of the database (the `add to phonebook` option). The presentation is immediate in the sense that it is automatic (it does not require further user action) and fast (without a significant delay).

As to the meaning of "immediately," Applicant asserts that this term is clear and adequately described, especially in the second passage above where it is discloses that "the presentation is immediate in the sense that it is automatic (it does not require further user action) and fast (without a significant delay)."

Applicant does not agree that it would have been obvious to provide for this feature in light of Issue 4EN.

Page 50 of Issue 4EN shows a camera viewer with the word options in the lower left corner. The caption of the picture indicates options before taking a picture include capture, go to images, settings, and exit. In the right margin of page 51 of Issue 4EN, it is stated that options after taking a picture include new image, send, rename image, go to images, settings, and exit.

Claim 20, in pertinent part, recites as follows: "immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu and using the captured image as an image field of a contacts entry of the database."

It is not seen in page 50 or in page 51 wherein Issue 4EN discloses "immediately and automatically presenting a user selectable option through the camera menu, on capturing an image, for entering the database software application while remaining in the camera menu..."

Thus, the claims are allowable for this first reason.

Second, the claimed invention is directed to "taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu," which, as understood by Applicant, has not been done in the prior art, including Issue 4EN. This claimed feature runs counter to what one of ordinary skill would take a picture, store the picture, exit a camera mode and access a phonebook, and then assign the picture to a contact.

In pages 50-57 of Issue 4EN, the camera mode is discussed first and the images mode is discussed thereafter.   On page 51 of Issue 4EN, in the right hand margin, an option after picture taking is "go to images." Presumably, one leaves camera mode and enters image mode upon selection of "go to images" in the camera mode. There is no disclosure in pages 50-57 of Issue 4EN of **"taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu."**

Thus, Issue 4EN does not make obvious Applicant's claimed invention.

The Patent Office is respectfully requested to reconsider and withdraw the rejections of the claims 8-11, 13, 14, 20, and 29-37 under 35 U.S.C. 103(a) based on Nokia 7650 User's Guide, Issue 4EN, and to allow all of the pending claims 8-11, 13, 14, 20, and 29-37 as now presented for examination. An early notification of the allowability of claims 8-11, 13, 14, 20, and 29-37 is earnestly solicited.

Respectfully submitted:

Walter J. Malinowski   *January 26, 2009*

Walter J. Malinowski   Date

Reg. No.: 43423

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400, extension 19

Facsimile: (203) 944-0245

email: wmalinowski@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

1/26/2009   *Elaine F. Mian*

Date   Name of Person Making Deposit